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DISTRICT OF DELAWARE

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November 29, 2007

TO: United States District Court
ATTN: Joseph Hartnet,
Assistant Administrative Services Manager
U.S. Courthouse
601 Market Street, Room 2610
Philadelphia, PA 19106-1797

RE: TRANSFER OF DOCUMENTS, CA 06-58 JHB

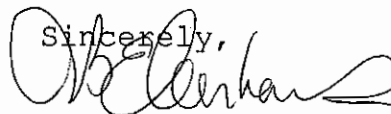
Pursuant to the *Designation of District Judge for Service in Another District within the Circuit* filed in subject civil action on 11/26/07, D.I. #41, we are enclosing a copy of the docket sheet, and the State Court Records, D.I. #16. The Steno Notes filed on 2/24/06, D.I. #3 will be retained here in Delaware. The remainder of the case documents are available thru CM/ECF PACER.

Please contact Brian Blackwell at (302) 573-6136 regarding any docketing matters.

In the event that any of your staff members would like a login and password for viewing rights to this case, please let us know.

Please acknowledge receipt of D.I. #16 in the space below, and return a copy to our Clerk's Office.

Sincerely,



RONALD B. EBERHARD
Intake Supervisor/
Records Manager

/rbe

cc: Brian Blackwell

TO: Clerk, U.S. District Court, District of Delaware

We received D.I. #16 on _____.

BY: _____

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:06-cv-00058-JHB
Internal Use Only**

Capano v. Carroll et al
Assigned to: Honorable Harvey Bartle, III
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 01/30/2006
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner

Thomas J. Capano

represented by **Joseph M. Bernstein**
Joseph M. Bernstein, Esq.
800 North King Street
Suite 302
Wilmington, DE 19801
(302) 656-9850
Fax: 302-656-9836
Email: jmbernstein@embarqmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Warden Thomas J. Carroll

represented by **Elizabeth Roberts McFarlan**
Department of Justice
820 N. French St.
Wilmington, DE 19801
(302) 577-8400
Email: elizabeth.mcfarlan@state.de.us
ATTORNEY TO BE NOTICED

Respondent

Attorney General of State of Delaware

represented by **Elizabeth Roberts McFarlan**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/30/2006	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5, receipt number 142089.)- filed by Thomas J. Capano. (Attachments: # <u>1</u> Civil Cover Sheet)(dab,) (Entered: 01/30/2006)
02/03/2006	<u>2</u>	Notice of Availability of a U.S. Magistrate Judge to Exercise Jurisdiction (mwm,) (Entered: 02/03/2006)
02/08/2006	<u>3</u>	Case assigned to Judge Kent A. Jordan. Please include the initials of the Judge (KAJ) after the case number on all documents filed. (rjb,) (Entered: 02/08/2006)
02/24/2006	<u>4</u>	Minute Entry for proceedings held before Judge Kent A. Jordan : Status Teleconference held on 2/24/2006. (Court Reporter B. Gaffigan.) (rwc,) (Entered: 02/24/2006)

02/24/2006	<u>3</u>	STENO NOTES for 2/24/06 filed by Court Reporter: B. Gaffigan. (Notes on file in Clerk's Office). (rwc,) (Entered: 02/27/2006)
02/27/2006	<u>4</u>	ORDER, Clerk shall serve by certified mail a copy of the petition and this order upon the Warden and the Attorney General. Within 45 days of receipt, respondents shall respond as directed. (Copy to petitioner, Warden & AG). Signed by Judge Kent A. Jordan on 2/27/06. (rwc,) (Entered: 02/27/2006)
02/27/2006	<u>5</u>	Postal Receipt(s) for the mailing of process to Thomas J. Carroll, Attorney General of State of Delaware (rwc,) (Entered: 02/27/2006)
03/01/2006	<u>6</u>	Return of Service Executed (2254 petition) Thomas J. Carroll served on 2/28/2006, answer due 4/14/2006. (rwc,) (Entered: 03/01/2006)
03/03/2006	<u>7</u>	Return of Service Executed (2254 petition) by Attorney General of State of Delaware. Attorney General of State of Delaware served on 3/1/2006, answer due 4/17/2006. (rwc,) (Entered: 03/03/2006)
04/11/2006	<u>8</u>	First MOTION for Extension of Time to File Answer re <u>1</u> Petition for Writ of Habeas Corpus - filed by Thomas J. Carroll, Attorney General of State of Delaware. (Attachments: # <u>1</u> Text of Proposed Order)(McFarlan, Elizabeth) Deleted 7.1.1 Certificate Modified on 4/11/2006 (cas). (Entered: 04/11/2006)
04/11/2006	<u>9</u>	CORRECTING ENTRY: The 7.1.1 Certification to D.I. 8 has been removed from the docket entry. (cas) (Entered: 04/11/2006)
04/12/2006	<u>9</u>	ORDER granting <u>8</u> Motion for Extension of Time to Answer: Thomas J. Carroll answer due 6/5/2006; Attorney General of State of Delaware answer due 6/5/2006. Signed by Judge Kent A. Jordan on 4/12/06. (ntl,) (Entered: 04/12/2006)
06/02/2006	<u>10</u>	Second MOTION for Extension of Time to File Answer re <u>1</u> Petition for Writ of Habeas Corpus - filed by Thomas J. Carroll, Attorney General of State of Delaware. (Attachments: # <u>1</u> Text of Proposed Order)(McFarlan, Elizabeth) (Entered: 06/02/2006)
06/02/2006	<u>11</u>	ORDER - granting <u>10</u> Second MOTION for Extension of Time to File Answer re <u>1</u> Petition for Writ of Habeas Corpus - Set/Reset Answer Deadlines: Thomas J. Carroll answer due 7/28/2006; Attorney General of State of Delaware answer due 7/28/2006. Signed by Judge Kent A. Jordan on 6/2/06. (rwc,) (Entered: 06/02/2006)
07/28/2006	<u>12</u>	RESPONSE to Petition for Writ of Habeas Corpus by Thomas J. Carroll, Attorney General of State of Delaware.(McFarlan, Elizabeth) (Entered: 07/28/2006)
07/28/2006	<u>13</u>	First MOTION for Extension of Time to File <i>State Court Records</i> - filed by Thomas J. Carroll, Attorney General of State of Delaware. (Attachments: # <u>1</u> Text of Proposed Order)(McFarlan, Elizabeth) (Entered: 07/28/2006)
08/10/2006	<u>14</u>	ORDER - granting <u>13</u> Motion for Extension of Time to File State Court Records. Signed by Judge Kent A. Jordan on 8/10/06. (rwc,) (Entered: 08/10/2006)
08/30/2006	<u>15</u>	NOTICE of filing the following document(s) in paper format: State Court Records. Original document(s) on file in Clerk's Office. Notice filed by Elizabeth Roberts McFarlan on behalf of Thomas J. Carroll, Attorney General of State of Delaware (McFarlan, Elizabeth) (Entered: 08/30/2006)
08/30/2006	<u>16</u>	STATE COURT RECORDS (1 Box) - filed by Thomas J. Carroll, Attorney General of State of Delaware. (Record on file in Clerk's Office) (rwc,) (Entered: 08/30/2006)
12/07/2006	<u>17</u>	Letter to The Honorable Kent A. Jordan from Joseph M. Bernstein regarding status letter. (Bernstein, Joseph) (Entered: 12/07/2006)
12/12/2006	<u>18</u>	Letter to Judge Jordan from Elizabeth R. McFarlan regarding Status of the case - re <u>17</u>

		Letter. (McFarlan, Elizabeth) (Entered: 12/12/2006)
12/12/2006	<u>19</u>	Letter to The Honorable Kent A. Jordan from Joseph M. Bernstein regarding Transmittal of proposed scheduling order. (Attachments: # <u>1</u> Text of Proposed Order Proposed Scheduling Order)(Bernstein, Joseph) (Entered: 12/12/2006)
12/13/2006	<u>20</u>	ORDER - Set Briefing Schedule: Opening Brief due 1/31/2007. Answering Brief due 3/26/2007. Reply Brief due 4/9/2007 - re: <u>1</u> Petition for Writ of Habeas Corpus filed by Thomas J. Capano. Signed by Judge Kent A. Jordan on 12/13/06. (rwc) (Entered: 12/13/2006)
12/15/2006	<u>21</u>	[1:06-cv-58-***]: Please note that, in accordance with the attached standing order, this case has been designated as one to be assigned to the judge who fills the vacancy left by the elevation of Judge Kent A. Jordan to the United States Court of Appeals for the Third Circuit. Please include ***, in place of the Judge's initials, after the case number on all documents filed. (ntl) (Entered: 12/15/2006)
01/24/2007	<u>22</u>	MOTION for Scheduling Order <i>Motion to Amend Scheduling Order</i> - filed by Thomas J. Capano. (Bernstein, Joseph) (Entered: 01/24/2007)
01/25/2007	<u>23</u>	SO ORDERED - granting <u>22</u> MOTION for Scheduling Order <i>Motion to Amend Scheduling Order</i> filed by Thomas J. Capano, Set Briefing Schedule: Opening Brief due 2/20/2007. Answering Brief due 4/16/2007. Reply Brief due 4/30/2007. Signed by Judge Mary Pat Thyng on 1/24/07. (rwc) (Entered: 01/25/2007)
02/12/2007	<u>24</u>	MOTION for Leave to File Excess Pages <i>for Opening Brief in Support of Petition for Habeas Corpus</i> - filed by Thomas J. Capano. (Bernstein, Joseph) (Entered: 02/12/2007)
02/13/2007	<u>25</u>	ORDER - granting <u>24</u> Motion for Leave to File Excess Pages. Signed by Judge Mary Pat Thyng on 2/13/07. (rwc) (Entered: 02/13/2007)
02/20/2007	<u>26</u>	OPENING BRIEF in Support of <u>1</u> <i>Petition for Writ of Habeas Corpus</i> filed by Thomas J. Capano. Answering Brief/Response due date per Local Rules is 3/9/2007. (Bernstein, Joseph) Modified on 2/20/2007 (rwc,). (Entered: 02/20/2007)
02/20/2007	<u>27</u>	COMPENDIUM of Unreported cases in Support of <u>26</u> Opening Brief - filed by Thomas J. Capano. Answering Brief/Response due date per Local Rules is 3/9/2007. (Bernstein, Joseph) Modified on 2/20/2007 (rwc,). (Entered: 02/20/2007)
02/20/2007	<u>28</u>	APPENDIX in Support of <u>26</u> Opening Brief - filed by Thomas J. Capano. Answering Brief/Response due date per Local Rules is 3/9/2007. (Bernstein, Joseph) - Modified on 2/20/2007 (rwc,). (Entered: 02/20/2007)
02/20/2007	<u>2</u>	CORRECTING ENTRY: The Docket Clerk consolidated Petitioner's Appendix into one docket entry - (DI# 28). (rwc) (Entered: 02/20/2007)
02/20/2007	<u>2</u>	CORRECTING ENTRY: The Docket Clerk corrected DI#'s 26, 27 & 28 which were originally filed using the improper event codes and established the proper links. (rwc) (Entered: 02/20/2007)
04/10/2007	<u>29</u>	First MOTION for Extension of Time to File <i>Answering Brief</i> - filed by Thomas J. Carroll, Attorney General of State of Delaware. (McFarlan, Elizabeth) (Entered: 04/10/2007)
04/10/2007	<u>30</u>	ORDER - granting <u>29</u> First MOTION for Extension of Time to File <i>Answering Brief 1 Petition for Writ of Habeas Corpus - Set/Reset Answer Deadlines: Thomas J. Carroll answer due 6/8/2007; Attorney General of State of Delaware answer due 6/8/2007. Signed by Judge Mary Pat Thyng on 4/10/07. (rwc) (Entered: 04/10/2007)</i>
06/06/2007	<u>31</u>	Second MOTION for Extension of Time to File <i>an Answering Brief</i> - filed by Thomas J. Carroll, Attorney General of State of Delaware. (McFarlan, Elizabeth) (Entered: 06/06/2007)

		06/06/2007)
06/07/2007	<u>32</u>	MOTION Appointment of Judge - filed by Thomas J. Capano. (Attachments: # <u>1</u> Certificate of Service)(Bernstein, Joseph) (Entered: 06/07/2007)
06/07/2007	<u>33</u>	ORDER - granting <u>31</u> Second MOTION for Extension of Time to <i>File an Answering Brief - Reset Answer Deadlines: Thomas J. Carroll answer due 6/22/2007; Attorney General of State of Delaware answer due 6/22/2007. Signed by Judge Mary Pat Thyng</i> e on 6/7/07. (rwc) (Entered: 06/07/2007)
06/21/2007	<u>34</u>	Third MOTION for Extension of Time to File <i>Answering Brief</i> - filed by Thomas J. Carroll, Attorney General of State of Delaware. (McFarlan, Elizabeth) (Entered: 06/21/2007)
06/25/2007	<u>34</u>	SO ORDERED - <u>34</u> Third MOTION for Extension of Time to File <i>Answering Brief - Set/Reset Answer Deadlines: Thomas J. Carroll answer due 7/13/2007; Attorney General of State of Delaware answer due 7/13/2007. Signed by Judge Mary Pat Thyng</i> e on 6/25/07. (rwc) (Entered: 06/25/2007)
07/13/2007	<u>35</u>	Fourth MOTION for Extension of Time to <i>Answering Brief</i> - filed by Thomas J. Carroll, Attorney General of State of Delaware. (McFarlan, Elizabeth) (Entered: 07/13/2007)
07/16/2007	<u>35</u>	SO ORDERED - granting <u>35</u> Fourth MOTION for Extension of Time to file <i>Answering Brief - Set/Reset Answer Deadlines: Thomas J. Carroll answer due 7/27/2007; Attorney General of State of Delaware answer due 7/27/2007. Signed by Judge Mary Pat Thyng</i> e on 7/16/07. (rwc) (Entered: 07/16/2007)
07/27/2007	<u>36</u>	Fifth MOTION for Extension of Time to <i>Answering Brief</i> - filed by Thomas J. Carroll, Attorney General of State of Delaware. (McFarlan, Elizabeth) (Entered: 07/27/2007)
07/30/2007	<u>36</u>	SO ORDERED, re <u>36</u> Fifth MOTION for Extension of Time to file <i>Answering Brief</i> - filed by Attorney General of State of Delaware, Thomas J. Carroll. Signed by Judge Mary Pat Thyng on 7/30/07. (rwc) (Entered: 07/30/2007)
08/01/2007	<u>37</u>	MOTION for Extension of Time to File <i>Answering Brief</i> - filed by Thomas J. Carroll, Attorney General of State of Delaware. (McFarlan, Elizabeth) (Entered: 08/01/2007)
08/01/2007	<u>37</u>	SO ORDERED, re <u>37</u> SIXTH MOTION for Extension of Time to File <i>Answering Brief</i> filed by Attorney General of State of Delaware, Thomas J. Carroll. Signed by Judge Mary Pat Thyng on 8/1/07. (rwc) (Entered: 08/02/2007)
08/02/2007	<u>38</u>	ANSWERING BRIEF in Opposition to <i>Petition for Federal Habeas Corpus</i> filed by Thomas J. Carroll, Attorney General of State of Delaware.Reply Brief due date per Local Rules is 8/13/2007. (McFarlan, Elizabeth) (Entered: 08/02/2007)
08/06/2007	<u>39</u>	MOTION for Extension of Time to <i>File Reply Brief</i> - filed by Thomas J. Capano. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Certificate of Service)(Bernstein, Joseph) (Entered: 08/06/2007)
08/06/2007	<u>39</u>	SO ORDERED - re <u>39</u> MOTION for Extension of Time to File Reply Brief - Reset Briefing Schedule: Reply Brief due 9/17/2007. Signed by Judge Mary Pat Thyng on 8/6/07. (rwc) (Entered: 08/07/2007)
09/14/2007	<u>40</u>	REPLY BRIEF <i>In Support of Pettion for Habeas Corpus</i> filed by Thomas J. Capano. (Bernstein, Joseph) (Entered: 09/14/2007)
09/19/2007	<u>41</u>	Letter to The Honorable Gregory M. Sleet from Joseph M. Bernstein regarding Assignment of Judge. (Bernstein, Joseph) (Entered: 09/19/2007)
09/19/2007	<u>41</u>	Case reassigned to Judge Sue L. Robinson. Please include the initials of the Judge (SLR) after the case number on all documents filed. (rjb) (Entered: 09/19/2007)

10/11/2007	●	(Court only) ***Motions terminated as MOOT per court's process of case assignment: 32 MOTION Appointment of Judge filed by Thomas J. Capano. (rlp) (Entered: 10/11/2007)
10/17/2007	●42	MOTION to Disqualify Judge - filed by Thomas J. Capano. (Attachments: # 1 Certificate of Service)(Bernstein, Joseph) (Entered: 10/17/2007)
11/02/2007	●	SO ORDERED, re 42 MOTION to Disqualify Judge filed by Thomas J. Capano. By Judge Sue L. Robinson on 11/2/07. (rlp) (Entered: 11/02/2007)
11/05/2007	●43	Second MOTION to Reassign Case - filed by Thomas J. Capano. (Attachments: # 1 Certificate of Service)(Bernstein, Joseph) (Entered: 11/05/2007)
11/26/2007	●44	DESIGNATION OF DISTRICT JUDGE FOR SERVICE IN ANOTHER DISTRICT WITHIN THE CIRCUIT; designating and assigning the Honorable Harvey Bartle, III, of the Eastern District of Pennsylvania for such period as is necessary for the disposition of this matter. Signed by Chief Judge Anthony J. Scirica, U.S. Court of Appeals for the Third Circuit, on 11/26/07. (bkb) (Entered: 11/27/2007)
11/26/2007	●	Case reassigned to Judge Harvey Bartle, III. Please include the initials of the Judge (JHB) after the case number on all documents filed. (bkb) (Entered: 11/27/2007)